

**REMARKS**

Claims 8-10 and 26-35 are currently pending in the application. Claims 8-10 and 30 are currently under examination. Claims 8-10, 26-29 and 31-35 are canceled herein without prejudice. Claim 30 is amended herein, for clarity and to more particularly define the invention. Claims 36 and 37 are added herein.

Support for the amendment to claim 30 can be found in claim 30 as originally filed, in the paragraph bridging pages 21 and 22 of the specification, and elsewhere throughout the specification. Support for new claim 36 can be found in original claim 30 and on page 22, lines 1-2 of the specification where it is stated that "CA is citric acid or is ( $C_6H_8O_7 - H_2O$ ).". Therefore, it would be clear to one of skill in the art that citric acid has the formula  $C_6H_8O_7$  and that the citric acid anion (CA<sup>-</sup>) has the formula  $C_6H_7O_7^-$ . Support for new claim 37 can be found in original claim 30 and elsewhere throughout the specification. No new matter is believed to be added by these amendments. Therefore, pursuant to the following remarks, Applicant respectfully requests entry of these amendments, reconsideration of the application and allowance of the claims to issue.

**Rejection Under 35 U.S.C. § 102(b)**

The Office Action states that claims 8-10 and 30 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Srivastava et al. As stated above, claims 8-10 are canceled herein without prejudice, thus rendering any rejections moot as they pertain to claims 8-10. Independent claim 30 has been amended, rendering most or all previous rejections of claim 30 moot. Applicant nevertheless comments below on certain

assertions of the Office Action as they may pertain to amended claim 30 and its new dependent claims 36 and 37.

On page 3, the Office Action notes that “Srivastava et al. explicitly discloses a 0.5% solution of silver citrate in water.” On page 5, the Office Action asserts that “Srivastava’s silver citrate in water is, like any other dissolved substance, in a state of equilibrium:  $\text{AgCitrate} \leftrightarrow \text{Ag}^+ + \text{Citrate}^- \leftrightarrow \text{Ag}^+ + \text{Citric Acid}$ . Therefore without more, the ‘in a solution of citric acid and water’ feature is necessarily met by Srivastava’s disclosure.”

The Examiner appears to be asserting that (a) Srivastava’s “silver citrate” has a stoichiometry of one  $\text{Ag}^+$  cation per one citrate anion and (b) that merely dissolving Srivastava’s “silver citrate” in water will generate significant equilibrium concentrations of citric acid. Applicant respectfully points out that both of these inferential assertions are erroneous.

First, Srivastava’s “silver citrate” refers to “trisilver citrate” having the formula  $\text{Ag}_3\text{C}_6\text{H}_5\text{O}_7$ , wherein there are three  $\text{Ag}^+$  cations per one citrate tri-anion, rather than a complex having one  $\text{Ag}^+$  cation per one citrate anion as recited in claim 30. Those of ordinary skill in the art are well aware that the generic chemical term “silver citrate” is synonymous with the more specific term “trisilver citrate.” In support of this interpretation, Applicant provides herewith as Exhibit A a “PubChem Substance Summary” (PubChem Substance ID 679028) for “silver citrate,” from the National Center for Biotechnology Information at the National Library of Medicine. This Summary contains a list of synonyms for “silver citrate,” which include “trisilver citrate” and the formula  $\text{Ag}_3\text{C}_6\text{H}_5\text{O}_7$ . Additional evidence that commercially available “silver

citrate” is “trisilver citrate” is provided in Exhibits B and C. Exhibit B is a description of commercially available “silver citrate” (Item #006976 from the online catalogue of Crescent Chemical Company, located at 1324 Motor Parkway, Islandia, New York 11749) and shows that its “silver citrate” has the molecular formula  $\text{Ag}_3\text{C}_6\text{H}_5\text{O}_7$ .

Applicant also provides herewith Exhibit C, which is a description of commercially available “silver citrate” (Product Number 3222 from the online catalogue of ProChem, Inc., located at 826 Roosevelt Road, Rockford, IL 61109), which also shows that the compound referred to as “silver citrate” by ProChem, Inc. has the molecular formula  $\text{Ag}_3\text{C}_6\text{H}_5\text{O}_7$ .

Therefore, one of ordinary skill in the art would believe that the 0.5% “silver citrate” disclosed by Srivastava et al. actually comprised an aqueous solution of dissolved trisilver citrate ( $\text{Ag}_3\text{C}_6\text{H}_5\text{O}_7$ ), and not an aqueous solution of citric acid comprising a complex having the formula  $\text{Ag}^+\text{CA}^-$ , as is recited in amended claim 30. The Office Action provides no evidence to support a contention that Srivastava’s “silver citrate” was a compound having only one  $\text{Ag}^+$  cation per citrate anion or that Srivastava’s solution also comprised free citric acid. In the absence of substantial supporting evidence, and in contradiction to the teachings of Exhibits A-C presented herein, Srivastava et al. cannot be held to disclose each feature of current claim 30. Therefore, the Examiner has not met his burden of showing that Srivastava et al. anticipates amended claim 30.

For the reasons set forth above, Applicant believes that Srivastava et al. does not anticipate claim 30 or its dependent claims 36 and 37. Therefore, Applicant respectfully requests withdrawal of this rejection.

Lastly, in connection with the interpretation of now canceled claim 8, the Office Action asserted on page 4 that “‘By volume’ is interpreted to mean the volume that silver must take up in the aqueous solution.” In view of Applicant’s use of the term “by volume” in currently pending claim 37, Applicant does not necessarily agree with the Examiner’s interpretation, and notes that on page 21, lines 8-9 of the specification, it is stated that a 0.1% solution by volume corresponds to 1000 parts per million (ppm).

Double Patenting Rejections

A. According to the Office Action, claims 8-9 and 30 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-7 of U.S. Patent No. 6,197,814.

As stated above, claims 8-9 are canceled herein. With regard to claim 30, as amended herein, claim 30 is patentably distinct from claims 1-7 of U.S. Patent No. 6,197,814. Thus, Applicant believes this rejection has been overcome and respectfully requests its withdrawal.

B. The Examiner has provisionally rejected claims 8-10 and 30 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-5 and 9 of copending Application No. 10/434,742. Applicant acknowledges the rejection and will formally respond to the provisional double patenting rejection in the appropriate application once claims are found to be allowable necessitating the removal of the provisional status of the rejection.

Claims 8-10 and 30 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of copending Application No. 10/846,221. Applicant acknowledges the rejection and will formally respond to the provisional double patenting rejection in the appropriate application once claims are found to be allowable necessitating the removal of the provisional status of the rejection.

Claims 8-10 and 30 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of copending Application No. 11/060,013. Applicant acknowledges the rejection and will formally respond to the provisional double patenting rejection in the appropriate application once claims are found to be allowable necessitating the removal of the provisional status of the rejection.

Pursuant to the above amendments and remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

A Request for Extension of Time and a Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$1020.00 for fee under 37 C.F.R. § 1.17(a)(3) are enclosed. This amount is believed to be correct; however, should additional fees be required, the Commissioner is hereby authorized to charge any additional amount or

**ATTORNEY DOCKET NO. 16200.0006U4 (Formerly 070085-0019)**  
**U.S. Application Serial No. 10/600,006**

credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

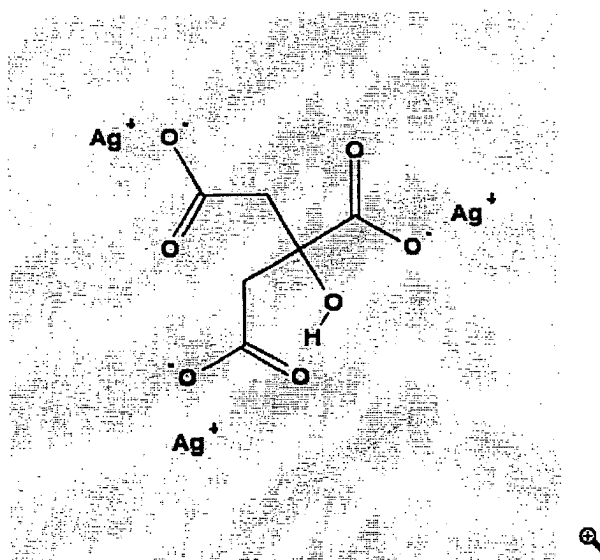
A handwritten signature in black ink, appearing to read 'Lizette M. Fernandez', written over a horizontal line.

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## Substance Summary:

**Compound Displayed** [PubChem](#) **SID:** 679028 [?](#) **CID:** 101599 [?](#)

Component: 1 Link

**NLM Toxicology:** Link [?](#) **Similar Substances:** 320 [Li](#) **Structure Search** [?](#) **Source:** ChemIDplus (000126454) [?](#)[Synonyms](#)[Properties](#)[Descriptor](#) **Depositor-Supplied Synonyms:** (Total: 5) [?](#)

Silver citrate

Trisilver citrate

EINECS 204-786-8

1,2,3-Propanetricarboxylic acid, 2-hydroxy-, trisilver(1+) salt

126-45-4

**Properties Computed from Structure:** [?](#)**Molecular Weight:** 512.704 g/mol

**Molecular Formula:** C<sub>6</sub>H<sub>5</sub>Ag<sub>3</sub>O<sub>7</sub>**Hydrogen Bond Donor Count:** 1**Hydrogen Bond Acceptor Count:** 7**Rotatable Bond Count:** 2**Descriptors Computed from Structure:** ⓘ**IUPAC Name:** 2-hydroxypropane-1,2,3-tricarboxylate; silver(+1) cation**Canonical SMILES:** C(C(=O)[O-])C(CC(=O)[O-])(C(=O)[O-])O.[Ag+].[Ag+].[Ag+]**InChI:** InChI=1/C6H8O7.3Ag/c7-3(8)1-6(13,5(11)12)2-4(9)10;;;/h13H,1-2H2,(H,7,8)(H,9,10)(H,11,12);;/q;3\*+1/p-3/fC6H5O7.3Ag/q-3;3m ⓘ

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## CHEMPUR Elemental Compounds

Item #006976 (25g)  
Silver Citrate, 25g

CAS #126-45-4

Molecular Formula:  $\text{Ag}_3\text{C}_6\text{H}_5\text{O}_7$

Molecular Weight: 512.71

Price: Call For Pricing

Product Size: 25g

Unit of Measure: EA


Note:  $\text{Ag}_3\text{C}_6\text{H}_5\text{O}_7$ , F.W. 512.71.

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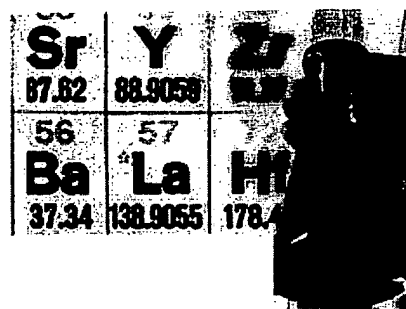
Crescent Chemical Company, Inc.  
1324 MOTOR PARKWAY  
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## Product Details

**Product Number**

3222

**Formula Wt**

f.w.: 512.707

**Name**

Silver Citrate

**CAS Number**


126-45-4

**Formula**Ag<sub>3</sub>C<sub>6</sub>H<sub>5</sub>O<sub>7</sub>**Info****Purity**

99%

**Quantity**

1 kg

[return](#)

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